

Livingston, New Jersey  
August 5, 2019  
Meeting #15

The Regular meeting of the Township Council of the Township of Livingston was held on the above date at 7:50 p.m. at Town Hall, 357 South Livingston Avenue, Livingston, New Jersey. The Mayor stated that all the requirements of the "Open Public Meetings Act" had been met. "Annual Notice" was faxed to the West Essex Tribune and the Star Ledger on January 2, 2019.

Present: Mayor Anthony; Councilmembers Klein, Meinhardt, Vieira; Township Manager Lewis; Deputy Township Manager Jones; Township Attorney Weiner; Township Clerk Turtletaub

Absent: Councilmember Fernandez

Silent Meditation and Pledge of Allegiance

Mayor Anthony asked everyone to stand for a Moment of Silence, followed by the Pledge of Allegiance.

Presentations

a) Kevin Mullaney, Essex County Police Officer of the Year— Chief Marshuetz introduced Officer Mullaney and detailed his background and accomplishments. Mayor Anthony read and presented a Citation to Livingston Police Officer Kevin Mullaney.

b) Livingston Police Department Swearing-In—Chief Marshuetz introduced new Livingston Police Officer Trevor Tironi. Township Clerk Turtletaub administered the oath to Officer Tironi, in the presence of family members.

c) 4<sup>th</sup> of July Committee—Mayor Anthony read and presented a Citation honoring members of the Township 4<sup>th</sup> of July Committee in recognition of their work on this year's event. Co-Chair Scott Maynard spoke, and introduced co-chair Elliott Sherman and Township Director Liliana Branquinho, Township Adult Enrichment and Special Events Supervisor, introduced other Committee members.

d) Steven Rosenstark—Mayor Anthony read and presented a Citation to Steven Rosenstark in recognition of his third-place finish in the Spellman High Voltage Electronics Clean Tech competition.

Essex County Update/Questions

Public Comments on Agenda Items

Resolution—Consent Agenda (Includes All Items Marked \*\*\*) R-19-154

**WHEREAS**, the Township Council of the Township of Livingston has determined that certain items on its agenda which have the unanimous approval of all Councilmembers and do not require comment shall be termed the "Consent Agenda"; and

**WHEREAS**, the Township Council has determined that to increase its efficiency, the Consent Agenda shall be adopted with one resolution;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council that the items on the regular agenda for August 5, 2019, attached hereto, which are preceded by an "\*\*\*" are the Consent Agenda and are hereby accepted, approved and/or adopted.

Approval of Minutes

a) July 22, 2019

Approval of Licenses

Final Hearing Ordinances

Proposed Ordinance

a) Ord. 15-2019 Amending Ord. 10-2018 Retaining the name Miracle Way for a Portion of the Street with the Remainder Reverting Back to Microlab Road

ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING ORDINANCE. 10-2018 RETAINING THE NAME MIRACLE WAY FOR A PORTION OF THE STREET WITH THE REMAINDER REVERTING BACK TO MICROLAB ROAD was read by title and introduced on first reading. On motion duly made and seconded, and on roll call vote, all members present voted YES. It was ordered advertised according to law, to come up for public hearing second reading and final consideration at a Regular Meeting of the Township Council on Tuesday, September 3, 2019.

b) Ord.16-2019 Authorizing the Guaranty by the Township of Livingston, New Jersey or Payment of Principal and Interest on the Capital Equipment Lease Revenue Bonds, Series 2019 (Livingston Board of Education Project) of the Essex County Improvement Authority.

ORDINANCE AUTHORIZING THE GUARANTY BY THE TOWNSHIP OF LIVINGSTON, NEW JERSEY OR PAYMENT OF PRINCIPAL AND INTEREST ON THE CAPITAL EQUIPMENT LEASE REVENUE BONDS, SERIES 2019 (LIVINGSTON BOARD OF EDUCATION PROJECT OF THE ESSEX COUNTY IMPROVEMENT AUTHORITY was read by title and introduced on first reading. On motion duly made and seconded, and on roll call vote, all members present voted YES. It was ordered advertised according to law, to come up for public hearing second reading and final consideration at a Regular Meeting of the Township Council on Tuesday, September 3, 2019.

Resolutions

a) R-19-155 Authorizing Filing of County of Essex Community Development Block Grant (CDNBBG) 2019 Reprogramming Application  
WHEREAS, the Township of Livingston has been a participating member of the Essex County Community Development Program since its inception in 1976; and

WHEREAS, the Essex County Division of Housing and Community Development, through its Director, is preparing a 2019 Reprogramming application for funding; and

WHEREAS, the Township of Livingston has been requested to submit Community Development Block Grant Program project proposals for inclusion in the 2019 Reprogramming Plan to the Director of the Division of Housing and Community Development by July 24, 2019;

NOW, THEREFORE, BE IT RESOLVED by the Township of Livingston as follows:

- A. The proposed project designated and prioritized herewith be submitted to the Director of the Essex County Division of Housing and Community Development for inclusion in the Essex County 2019 Reprogramming application:

Priority      Description of Project  
**1. ADA Improvements—Municipal Building**

- B. That the Deputy Township Manager is hereby authorized and directed to execute and file such proposed projects with the Director of the Essex County Division of Housing and Community Development and to provide additional application information and furnish such documents as may be required and to act as the authorized correspondent of the Township of Livingston.
- C. The Mayor and Members of the Township Council endorse the proposed Community Development Block Grant Program project described herewith for inclusion in the Essex County CDBG 2019 Reprogramming Application.

b) R-19-156 First Amendment to the 1990 "Restated and Amended Agreement between Millburn Township and Livingston Township Providing for Sanitary Sewer Services"

WHEREAS, on February 7, 1990, Millburn and Livingston entered into the "Restated and Amended Agreement" between Millburn Township and Livingston Township providing for sanitary sewer service providing for the terms and conditions under which sewage from certain properties and facilities in Livingston has been continuing to be disposed of into the Millburn sewer system and treated at the sewage plant of the Joint Meeting (the 1990 Sewer Agreement); and,

WHEREAS, the parties wish to continue the benefits and obligations of the 1990 Sewer Agreement; and

WHEREAS, the parties have negotiated and agreed to the terms of the First Amendment to the 1990 Sewer Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Livingston, County of Essex, State of New Jersey that the Township Council authorizes entering into the First Amendment to the 1990 Sewer Agreement between Millburn Township and Livingston Township providing for sanitary sewer services.

c) R-19-157 Authorizing Contract with USALCO Baltimore Plants LLC—Polyaluminum Chloride

WHEREAS, the Township of Livingston ("Township") has a need to purchase polyaluminum chloride for the Water Pollution Control Facility; and

WHEREAS, on June 13, 2019, the Township of Livingston issued Bid No. 008-2019 as an open-ended contract, to solicit bids from companies that provide polyaluminum chloride; and

WHEREAS, the bid was advertised on the Township of Livingston website and West Essex Tribune on June 13, 2019 and as a result nine (9) bid packages were requested; and

WHEREAS, on July 10, 2019, two (2) bids were received by the bid deadline and publicly read; and

WHEREAS, the company of USALCO Baltimore Plant, LLC was identified as the lowest responsive and responsible bidder whose bid meets all of the requirements of the bid specifications, complies with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.S.A. 17:27 et seq., is responsive and responsible; and

WHEREAS, USALCO Baltimore Plant, LLC submitted a price of \$1.7236 per gallon for a twenty-four (24) month contract; and

WHEREAS, the Director of Utilities has evaluated the proposal for qualifications, experience, and cost reasonableness, and recommends the award of a contract to USALCO Baltimore Plant, LLC; and

WHEREAS, the Township Manager is recommending the award of a twenty-four (24) month contract to USALCO Baltimore Plant, LLC; and

WHEREAS, prior to incurring the liability by placing the order, the certification of availability of funds shall be made by the chief financial officer, as appropriate, per N.J.A.C. 5:30-5.5 (b) 2; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Livingston, in the County of Essex, State of New Jersey, that it authorizes the Township Manager to enter into a twenty-four (24) month contract with USALCO Baltimore Plant, LLC effective September 1, 2019.

d) R-19-158 Authorizing Contract with Mott Macdonald LLC--Congressional Generator Replacement

WHEREAS, the Township of Livingston has a need to acquire professional engineering services for the Congressional generator replacement pursuant to the provisions of N.J.S.A. 19:44A-20.4 and 20.5; and

WHEREAS, the Township Manager has determined and certified in writing that the value of the acquisition will exceed \$17,500; and  
WHEREAS, the Township of Livingston solicited proposals from five companies qualified to provide professional engineering services for generator replacements; and

WHEREAS, the Township of Livingston received three proposals on July 15, 2019; and

WHEREAS, Mott MacDonald, LLC submitted the lowest price proposal; and

WHEREAS, Mott MacDonald, LLC has completed and submitted a business Entity Disclosure Certification which certifies that Mott MacDonald, LLC has not made any reportable contributions to a political or candidate committee in the Township of Livingston in the previous one year, and that the contract will prohibit Mott MacDonald, LLC from making any reportable contributions through the term of the contract, and

WHEREAS, the Township Engineer and Township Manager are recommending the award of a contract to Mott MacDonald, LLC to provide professional engineering services for the Congressional generator replacement as required by the Township in an amount not to exceed \$39,400.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available in account C-06-55-014-008-01B; and

NOW THEREFORE, BE IT RESOLVED that the Township Council of the Township of Livingston authorizes the Township Manager to enter into a contract with Mott MacDonald, LLC in an amount not to exceed \$39,400.00 as described herein; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be Placed on file with this resolution.

BE IT FURTHER RESOLVED that a notice of this action shall be printed in the West Essex Tribune as required by law within ten (10) days of its passage.

e) R-19-159 Authorizing Approval of Change Order No. 2 with Suburban Consulting Engineers, Inc.—Water System Improvements

WHEREAS, the Township Council of the Township of Livingston entered into a contract (“Contract C1400021”) with Suburban Consulting Engineers, Inc. for Professional Engineering - Water System Improvements & Water Storage Tanks; and

WHEREAS, the initial Contract was not to exceed One Hundred Twenty-Five Thousand One Hundred Ninety Dollars and No Cents (\$125,190.00); and;

WHEREAS, Change Order Number One in the amount of \$11,960.00 was approved as per R-15-210; and

WHEREAS, due to field conditions, which resulted in changed quantities, Change Order Two has been requested for the following:

A. REDUCTIONS

Tank 1 Task 004 Allowance for MBA Tanks	-\$13,500.00
Fawn Drive Task 004 Allowance for MBA Tanks	-\$1,850.00
Mine Hill Tank Task 001 Contract Documents	-\$30.00

Mine Hill Tank Task 002 Part Time Inspection  
**Total**

-\$1,647.50  
**-\$17,027.50**

WHEREAS, the total of change order number two decreased the contract amount by 12.42% or \$17,027.50 making the new contract sum \$120,122.50; and

WHEREAS, this Change Order has been recommended by the Utility Engineer and Township Manager; and

NOW, THEREFORE, BE IT RESOLVED, the Township Council of the Township of Livingston, Essex County, approves the execution and payment of Change Order Number 2 and Final to the Contract with Suburban Consulting Engineers, Inc. for Professional Engineering - Water System Improvements & Water Storage Tanks and that this resolution is without prejudice to any rights of the Township of Livingston, that the Township has, had, or may have to charge back or to seek cost of said change orders from third-party and the Township hereby reserves all of its rights hereto.

BE IT FURTHER RESOLVED that a copy of this resolution shall be published in the West Essex Tribune as required by law.

f) R-19-160 Authorizing Contract with Water Works Supply Co., Inc.—Water System Parts

WHEREAS, the Township of Livingston (“Township”) has a need to purchase water system parts for the Water Department; and

WHEREAS, on July 11, 2019, the Township of Livingston issued Bid No. 009-2019 as an open-ended contract, to solicit bids from companies that supply water system parts; and

WHEREAS, the bid was advertised on the Township of Livingston website and West Essex Tribune on July 11, 2019 and as a result ten (10) bid packages were requested; and

WHEREAS, on July 30, 2019, three (3) bids were received by the bid deadline and publicly read; and

WHEREAS, the firm of Water Works Supply Company, Inc. was identified as the lowest responsive and responsible bidder whose bid meets all of the requirements of the bid specifications, complies with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.S.A. 17:27 et seq., is responsive and responsible; and

WHEREAS, Water Works Supply Company, Inc.’s schedule of pricing is attached; and

WHEREAS, the Junior Utility Engineer has evaluated the proposal for qualifications, experience, and cost reasonableness, and recommends the award of a contract to Water Works Supply Company, Inc.; and

WHEREAS, the Township Manager is recommending the award of a twelve (12) month contract to Water Works Supply Company, Inc.; and

WHEREAS, prior to incurring the liability by placing the order, the certification of availability of funds shall be made by the chief financial officer, as appropriate, per N.J.A.C. 5:30-5.5 (b) 2; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Livingston, in the County of Essex, State of New Jersey, that it authorizes the Township Manager to enter into a twelve (12) month contract with Water Works Supply Company, Inc. effective August 5, 2019.

h) R-19-161 Reivax Change Order—2018 Water Main Replacements

WHEREAS, the Township Council of the Township of Livingston entered into a contract (“Contract C1800016”) with Reivax Contracting Corp. for 2018 Water Main Replacements to Edgemere Road, Chaucer Court, and Highland Drive; and

WHEREAS, the initial Contract was not to exceed Two Million Three Hundred Twenty-Two Thousand, Six Hundred Forty Dollars and no cents (\$2,322,640.00); and

WHEREAS, due to field conditions which resulted in changed quantities, a Change Order has been requested for the following:

**B. SUPPLEMENTAL**

For 6-inch Diameter Ductile Iron Pipe	\$1,520.00
For 8-inch Diameter Ductile Iron Pipe	\$5,040.00
For 8-inch Diameter Mechanical Joint Gate Valves	\$7,500.00
For Removal of Existing Hydrants	\$3,400.00

Allowance for Traffic Control Measures & Maintenance of Traffic, Including Off-Duty Police, Complete - \$5,000	\$2,232.50
Maintenance and Protection of Traffic	\$8,225.00
Asphalt Price Adjustment	\$349.22
Milling, Less than 3"	\$56,354.52
Hot Mix Asphalt Surface Course Mix I-5	\$10,025.34
8" PVC Pipe, Sch. 40	\$5,500.00
Reconstructed Manhole, Using New Casting	\$2,400.00
Concrete Driveway, Reinforced, 6" Thick	\$834.00
Hot Mix Asphalt Sidewalk, 4" Thick ( As Needed for Restoration)	\$1,207.20
<b>Total</b>	<b>\$104,587.78</b>

C. EXTRAS

Install Fire Hydrant with 6-inch Gate Valve and Pipe	\$9,800.00
Reimbursement to Resident for Landscaping Damage	-\$2,079.18
<b>Total</b>	<b>\$7,720.82</b>

D.

REDUCTIONS

For 8-inch Diameter Insertion Valves	-\$15,600.00
For 1-inch Diameter Services	-\$10,800.00
For 1.5-inch Diameter Services	-\$4,500.00
For 2-inch Diameter Services	-\$3,000.00
For Hydrostatic Pressure Testing of Water Mains	-\$50.00
For Disinfection and Bacteriological Testing of Water Mains	-\$50.00
For Rock Excavation, Complete	-\$17,500.00
For Test Pits	-\$10,000.00
Allowance for Asphalt Price Adjustment - \$5,000	-\$5,000.00
Allowance for Fuel Price Adjustment - \$5,000	-\$5,000.00
Allowance for Utility Relocations - \$10,000	-\$10,000.00
Fuel Price Adjustment - \$3,900	-\$3,900.00
Excavation Unclassified	-\$36,850.00
Dense Graded Aggregate Base Course, Variable Thickness	-\$29,700.00
Milling, More than 3", Less than 6"	-\$75,912.37
Hot Mix Asphalt Base Course Mix I-2	-\$48,364.68
Roof Leader and Drain Connection to 8" PVC Pipe	-\$3,300.00
Under Drain	-\$27,500.00
Bicycle Safety Grate	-\$3,780.00
Curb Piece, Type N-Eco	-\$3,040.00
Reconstructed Inlet, Type B, Using New Casting	-\$9,600.00
Yard Drain (If and Where Directed)	-\$2,300.00
Hot Mix Asphalt Driveway, 2" Thick	-\$33,230.40
Driveway Restoration , Concrete Block	-\$12,317.00
Concrete Sidewalk, 4" Thick	-\$1,050.00
Granite Block Curb	-\$26,541.00
Concrete Curb (Full Face and Depressed at ADA Curb Ramps)	-\$750.00
Steel Root Plate (If and Where Directed)	-\$1,600.00
Traffic Markings, Thermoplastic	-\$765.00
Sign	-\$1,650.00
<b>Total</b>	<b>-\$403,650.45</b>

WHEREAS, the total change order decreased the contract amount by 12.54% or \$291,341.85 making the new contract sum \$2,031,298.15; and

WHEREAS, this Change Order has been recommended by the Township Engineer and Township Manager; and

NOW, THEREFORE, BE IT RESOLVED, the Township Council of the Township of Livingston, Essex County, approves the execution and payment of Change Order Number 1 and Final to the Contract with Reivax Construction Corp. for the 2018 Water Main Improvements; that this resolution is without prejudice to any rights of the Township of Livingston, that the Township has, had, or may have to charge back or to seek cost of said change orders from third-party and the Township hereby reserves all of its rights hereto.

BE IT FURTHER RESOLVED that a copy of this resolution shall be published in the West Essex Tribune as required by law.

i) R-19-162 Authorizing Purchases Under Educational Services Commission of NJ Purchasing Program

WHEREAS, the Township of Livingston, pursuant to N.J.S.A. 40A:11-11(6) and N.J.A.C. 5:34-7.1 et seq. may by resolution and without advertising for bids, purchase any goods or services under a Cooperative Pricing System of which the Township is a member; and,

WHEREAS, the Township of Livingston is a member of the Educational Services Commission of New Jersey Purchasing Program and has the need on a timely basis to purchase goods or services using those contracts; and

WHEREAS, the Township of Livingston intends to enter into contracts with the attached referenced contract vendors through this resolution and properly executed purchase orders as needed, which shall be subject to all the conditions applicable to current contracts.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Livingston authorizes the purchase of certain goods and services from those approved Educational Services Commission of New Jersey Purchasing Program vendors on the attached list, pursuant to all the conditions of the individual contracts; and

BE IT FURTHER RESOLVED, by the Township Council that, pursuant to the N.J.A.C. 5:30-5.5(b), the certification of available funds shall be certified at such time as the goods or services are called for prior to placing the order, and a certification of availability of funds is made by the Chief Financial Officer via an authorized purchase order; and

BE IT FURTHER RESOLVED, that the duration of this authorization shall be until December 31, 2019 or upon the expiration of the vendors' contract, whichever event first occurs.

k) R-19-163 Authorizing Contract with Tri-Plex Industries, Inc. (Furnish and Install Partition Doors)

This Resolution was not introduced.

l) R-19-164 Appointing Antonelli Kantor, P.C. as Special Counsel

WHEREAS, the Township of Livingston has a need and desire to retain Special Counsel to be available to represent the Township in various specialized legal matters that may arise; and

WHEREAS, the Township Manager has determined and that the value of the services may exceed \$17,500; and,

WHEREAS, the Township's Purchasing Agent issued RFP No. 13-2019 Professional Services – Special Counsel in a Fair and Open process under N.J.S.A. 19:44A-20.5 et. seq. ; and

WHEREAS, the firm of Antonelli Kantor, P.C. submitted a proposal responsive to the RFP demonstrating the qualifications required to provide Special Counsel services; and

WHEREAS, the Township Manager is recommending the award of a contract to Antonelli Kantor, P.C. to be retained as Special Counsel to be available to provide specialized legal service when and as directed by the Township on the terms set forth in the attached proposal; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the 2019 municipal budget.

NOW THEREFORE, BE IT RESOLVED that the Township Council of the Township of Livingston authorizes the Township Manager to enter into a contract with Antonelli Kantor, P.C. for the period of August 5, 2019 through December 31, 2019.

l) R-19-165 Rejecting Bid for Garage Expansion

WHEREAS, the Township of Livingston ("Township") has a need for the garage expansion at the Water Pollution Control Facility that cannot otherwise be performed by its regular employees; and

WHEREAS, on July 11, 2019, the Township of Livingston issued Bid No. 011-2019 to solicit bids from contractors experienced in garage expansions; and

WHEREAS, the bid was advertised on the Township of Livingston website and West Essex Tribune on July 11, 2019 and as a result twenty-five (25) bid packages were requested; and

WHEREAS, on July 31, 2019, three (3) bids were received by the bid deadline and publicly read; and

WHEREAS, in accordance with Section VI.D., "Award of Bid", in the bid documents, the Township of Livingston desires to exercise its right to reject the bids for the garage expansion due to the fact that the apparent low bid substantially exceeds the cost estimate for these services (N.J.S.A. 40A:11-13.2 (a) ); and

WHEREAS, the Township Manager recommends rejecting the bids and reissuing the bid as soon as practicable.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Livingston in the County of Essex, State of New Jersey, that the bids received in connection with the issuance of Bid No. 011-2019 are hereby rejected.

R-19-166 Authorizing Contract with Midwest Construction Inc.

WHEREAS, the Township of Livingston ("Township") has a need for the Memorial Park Sidewalk Improvements that cannot otherwise be performed by its regular employees; and

WHEREAS, on July 18, 2019, the Township of Livingston issued Bid No. 012-2019 to solicit bids from contractors experienced in sidewalk improvements; and

WHEREAS, the bid was advertised on the Township of Livingston website and West Essex Tribune on July 18, 2019 and as a result eighteen (18) bid packages were requested; and

WHEREAS, on August 2, 2019, eight (8) bids were received by the bid deadline and publicly read; and

WHEREAS, Midwest Construction, Inc. was identified as the lowest responsive and responsible bidder whose bid meets all of the requirements of the bid specifications, complies with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.S.A. 17:27 et seq., is responsive and responsible; and

WHEREAS, the Township Engineer has evaluated the proposal for qualifications, experience, and cost reasonableness, and recommends the award of a contract to Midwest Construction, Inc.; and

WHEREAS, the Township Manager is recommending the award of a contract to Midwest Construction, Inc. in an amount not to exceed \$344,225.00 and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available under ordinance 14-2019.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Livingston, in the County of Essex, State of New Jersey, that it authorizes the Township Manager to enter into a contract with Midwest Construction, Inc. in an amount not to exceed \$344,225.00.

On motion duly made and seconded, and on roll call vote of Resolutions R-19-155 through R-19-162, and Resolutions R-19-164 through R-19-166, all members present voted YES.

Public Comment

Jarrid Kantor, 57 Tremont Terrace, thanked the Council for his appointment and stated he looked forward to working with everybody.

Bob Hunter, 89 Elmwood Drive, praised Walter LeVine's articles appearing in the West Essex Tribune regarding fraud. Mr. Hunter also praised Brian Boyle's letter concerning Veterans.

Adjournment

At 8:37 p.m., the Regular Meeting adjourned.

ALFRED M. ANTHONY, Mayor

GLENN R. TURTLETAUB, Township Clerk